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S P E E C H

OF THE

HON. C. B. SMITH, OF INDIANA,

ON

THE MEMORIAL OF THE "DEMOCRATIC MEMBERS"

OF

THE LEGISLATURE OF RHODE ISLAND.

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, MARCH 14, 1844.

W A S H I N G T O N :

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IN HOUSE OF REPRESENTATIVES, MARCH 14, 1844.

The resolution reported by the Select Committee, to which was referred the memorial of the "Democratic Members" of the Legislature of Rhode Island, asking authority to send for persons and papers, being under consideration;

Mr. CALEB B. SMITH, of Indiana, being entitled to the floor, said he was at a loss to conceive what motive had prompted the introduction of the memorial to the House, or what object was expected to be attained by those who had caused its introduction.

It purports, (said Mr. SMITH.) to be a memorial from the "Democratic Members" of the Legislature of Rhode Island. It is not usual for persons who petition this body for legislative action, to assume a distinct political character; and, I presume, it is the first time that a petition, or memorial, has ever been presented to either branch of Congress which, upon its face, purported to emanate from any political party. It is true that a majority of the members of this House belong to that political party which styles itself the "Democratic party." Why is an appeal made to their political prejudices? Do the memorialists suppose that their prayers are more likely to be granted because they assume the name of "Democrats?" Do they entertain so poor an opinion of the majority upon this floor, as to believe that they will yield to them, on account of the identity of their political opinions, that, which without such identity of opinion, their judgments would induce them to refuse? Those who can ask, or expect, that their petitions will be granted upon such grounds, must be as base and corrupt as this House would be, should it be influenced by such considerations.

I cannot believe, Mr. Speaker, that it has ever been expected, either by those who signed this memorial, or by those who have been instrumental in bringing it before the House, that any serious action would be had upon it here. We are about entering upon an important political canvass—a contest for the supremacy for the next four years is about being commenced between the political parties which divide the people—the party which was driven from power in 1840, for its numerous and gross abuses, is again seeking possession of the Government. Its leaders, with an appetite for the "spoils," whetted by a four years abstinence, have again spread upon the breeze the standard of Locofocoism. To encourage their followers, and afford them some prospect of success, some new questions must be presented, and some new issues raised. The stale and exploded humbugs of Mr. Van Buren's Administration will no longer answer the purpose of deluding the people. Some new political capital must be manufactured, as a basis for future operations. This capital is to be sought for in the Dorr rebellion of Rhode Island.

This memorial has been presented and referred to a committee, which now asks from the House authority to send for persons and papers. Should

the power be granted, a few individuals of the proper stamp may be sent, to tell the story of the wrongs and sufferings of the "*persecuted* ~~sects~~" of Rhode Island; an inflammatory report be made, presenting partial and *ex parte* statement of the matter, which may be spread before the country to enlist its sympathies in behalf of those who have been successfully resisted, in their attempts to subvert the government of a State by lawless violence. Beyond this the action of this House cannot go.

That we have any right to interfere with the domestic affairs of Rhode Island will not be contended for. Whether Thomas W. Dorr is the lawful Governor of the State, or whether he is justly charged with treason to the State, are questions with which we have no concern, and any attempt by us to investigate them, would be a misapplication of our time, and an abuse of the trust confided to us by those whom we represent.

Some portion of our time has already been spent in the expression of our opinions upon mere abstract questions, presented in the shape of resolutions, which required no action beyond a simple expression of opinion. Whether the opinions of the members of this House are of sufficient consequence to the country, to justify our sitting here, at the public expense, to promulge them, would be worthy the consideration of those gentlemen who have brought such matters before us. I have supposed that our duty to our constituents would be best performed by the completion of such practical legislation as the interests of the country requires, and that our opinions upon other matters might, with great propriety, be reserved, at least, until we may express them without taxing the country with the cost.

The memorial of the "Democratic Members" of the Legislature of Rhode Island has, however, been presented and referred. Some disposition must be made of it, and if an unnecessary consumption of time is the consequence, the responsibility must rest with those who have brought the matter here. There are contained in the memorial, and also in the speeches of the gentleman from New York, (Mr. Rathbun,) and of my honorable colleague, (Mr. Kennedy,) who have addressed the House upon this subject, principles so extraordinary in their character, and so alarming and dangerous in their tendency, that I cannot forbear to avail myself of the opportunity to express my dissent from them.

In monarchical governments it is an established principle that "the King can do no wrong." In this country we have a class of politicians who apply this principle to the people. They are profuse in their professions of attachment to the people—they descant, with glowing eloquence, upon their "*natural rights*," upon their virtues, power and intelligence—and upon the right of the majority to do whatever they may desire, at all times, and under all circumstances. The demagogue, who aspires to popular favour, may imagine that his cheap professions of attachment to popular rights, will supply the place of merit, and serve as a passport to promotion; but the experience of all history assures us, that none are so ready to disregard and trample upon the rights of the people, as those who are most profuse in their professions of regard for them.

I have as much confidence in the virtue and patriotism of the people as any gentleman upon this floor; and I will go as far to protect them in the enjoyment of all their rights, as him who goes farthest. I do not, however, consider that I should be entitled to any additional credit for my attachment to popular rights, by making it a theme of constant declamation. The maxim "*vox populi vox dei*" is one to which I cannot subscribe. I

do not believe that the voice of the people is the voice God. The attachment of the American people to their Government and its institutions is undoubtedly. Their conduct is prompted by patriotic motives. They have no other wish in connexion with political matters, than that our Government may be perpetuated, and honestly and fairly administered. But the sincerity of any man may be well called in question, who will contend that whatever a majority may do, must, of necessity, be right. The aggregate of the community, like individuals, may form erroneous opinions—they may be swayed by sudden and exciting impulses—they may be influenced by their passions, or deluded by the arts of the unprincipled demagogue, to a course temporarily destructive of their own interests, although their patriotism and natural good sense, will ultimately lead them to correct conclusions.

Our Government is based upon the principle, that all political power emanates from the people. Those who exercise the powers of Government are but their representatives, and are responsible to them for the manner in which those powers are exercised. The author of the Declaration of Independence has enumerated in that instrument, as the natural and unalienable rights of the people, "life, liberty, and the pursuit of happiness. *That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.*" The authors of our Declaration of Independence supposed that the Government derived its just powers from "the consent of the governed," but the "Democratic Members" of the Legislature of Rhode Island, who have thrust their crude notions of "Democracy" upon this House, through this memorial, more sagacious than the founders of the Government, have made the important discovery that the consent of a "majority" of the governed is alone sufficient to the organization of any form of government.

To appreciate properly the sentiments of the memorial, it is necessary to look at the history of the late attempt of Dorr and his followers to subvert the established Government of Rhode Island. Previous to the revolution, the Colony of Rhode Island was governed under the provisions of a charter granted by King Charles II, in 1663. The charter was originally drawn by agents of the Colony, and sent to England to obtain the assent of the Crown. After that assent was obtained, it was returned, and adopted by the vote of the whole people of the Colony for their government. After the Revolution, and the organization of the Federal Government, the Government of the State of Rhode Island still continued under the charter, now by the authority of the Crown, but as the compact and agreement of the people of the State. As an evidence of the democratic character of this charter, I will quote the opinion of Mr. Bancroft in his history of the United States, vol. II, page 64:

"This charter of Government, constituting, as it then seemed, a pure Democracy, and establishing a political system which few beside the Rhode Islanders themselves believed to be practicable, is still in existence, and is the oldest constitutional charter now valid in the world. It has outlived the principles of Clarendon, and the policy of Charles II. The probable population of Rhode Island at the time of its reception, may have been two thousand five hundred. In one hundred and seventy years, that number has increased forty fold; and the Government which was hardly thought to contain checks enough on the power of the people, to endure even among shepherds and farmers, protects a dense population, and the accumulations of a widely extended commerce. No where in the world have life, liberty, and property, been safer than in Rhode Island."

Mr. Bancroft, the author of the history referred to, is now a prominent and distinguished member of the Democratic party. Under this Government the rights of the people were protected, and the country prospered.

until some of those reckless demagogues, who are ever dissatisfied, and ever seeking for a change, commenced a warfare upon it.

In July, 1841, a self-constituted committee published an address calling upon the people to elect delegates to meet in convention and frame a constitution. Meetings of portions of the people were held in different parts of the State, and delegates appointed, who in November following, met and framed what is denominated the "People's Constitution." The convention made an order, that this constitution should be submitted to the people for their ratification in the ensuing month of December. During three days, votes were received in favor of the constitution in open meetings, and during three days more, the country was ransacked by persons, who went from house to house, urging the people to send in their tickets for the constitution. After all these efforts, about 14,000 votes were received and sent to the convention which framed the constitution. The voters made a motley crowd of blacks and whites, natives, denizens, and aliens. The names of the United States troops, temporarily stationed in the State, were put down as voters for the constitution; and the names of a large number were also put down, who were not to be found anywhere in the State. The convention of delegates, upon these votes being returned to them, resolved that the constitution had been adopted by a majority of the people of Rhode Island, and was then the supreme law of the State.

The sagacity of these "patriots" was about equal to that of the Mormons, who resolved that the earth was the Lord's, and the fullness thereof; that the Saints were the rightful inheritors of the earth—that they were the Saints—therefore the earth and all it contained belonged to them.

The polls were now opened for the election of officers under this new constitution. A portion of the people cast their votes for Thomas W. Dorr as Governor, and other officers, who were declared duly elected, and who then attempted to organize the new government. Then commenced a struggle between these revolutionists and the regularly constituted authorities; which, fortunately for the country, without the effusion of blood, resulted in the complete prostration of the reckless demagogues who attempted to destroy the government by faction and violence.

Here, it was to be hoped, that this mad attempt to substitute anarchy for law and order would end. All the horrors of a civil war had only been averted by the firm, but temperate, action of the State authorities. Many of the deluded followers of the desperate leaders in this attempt at insurrection, had returned to their allegiance—the dark clouds which had obscured the horizon had passed away—peace was restored—the law was triumphant. But, sir, a new attempt is to be made to rekindle and fan into a flame the expiring embers of faction and anarchy. The leaders in this attempt have appealed, as "*Democrats*," to this "*Democratic*" House of Representatives for its countenance and support. Should any action of ours give encouragement to these incendiaries of Rhode Island, and induce them to renew their efforts, a fearful responsibility must rest upon us. The innocent blood which may be shed must be justly chargeable to our account.

I did hope, Mr. Speaker, that the actions and opinions of the Dorrites of Rhode Island would find no advocates or apologists in this House. But, sir, I find this hope is groundless. My honorable colleague, (Mr. Kennedy,) has told us that he believes Dorr is the lawful Governor of Rhode Island; while the gentleman from New York, (Mr. Rathbun,) says, "they have only exercised the right which the God of nature gave them."

Sir, these are sentiments which are, in their tendency, destructive of all government. If carried out, they would destroy this Republican Government, which is the pride and boast of every American; and prostrate in the dust the fair temple of liberty, which has been cemented by the blood of our patriotic sires. I could not sit silently in my seat and hear such sentiments avowed in this Hall.

My colleague has assumed that the right of suffrage is a "*natural right*," and, because some restrictions were imposed upon it by the government of Rhode Island, a majority of the people had a "*natural right*" to assemble in public meetings, and, by a mere expression of their will, destroy the government, and institute such an one as they chose. If the right of suffrage is a "*natural right*," let me ask my colleague by what means he arrives at the conclusion that nature has conferred this right upon the white population alone? Are not the blacks endowed with this right, by nature, equally with the whites? Have they not, equally with the whites, a "*natural right*" to resist and subvert the government under which they live, whenever they may become dissatisfied with it? The Dorrites of Rhode Island admit this right on the part of the colored population, and, in their attempt to subvert the government, numbered among their pretended majority, all the blacks who were disposed to take part with them. Apply this doctrine to the States of Georgia, South Carolina, and other States in this Union, in which the institution of slavery exists. In some of those States the colored population out-number the whites. Will any man contend, that in any one of those States, in which a majority of the population consists of blacks, that the black population may assemble, in public meetings, put down the existing government, and adopt a new one, more congenial to their feelings? If the Dorrites are correct in their opinions, if the opinions of those who have defended them here are correct, it follows, as a necessary consequence, that the government of Georgia, of South Carolina, and of every other slave State in this Union, is liable, at any moment, to be subverted whenever a majority of the people of such State, including blacks, may will its overthrow.

Again: I would inquire if the right of suffrage, and the right to overthrow and change Governments, are "*natural rights*," why should the female sex be denied their exercise? Has *nature* and "*nature's God*" conferred upon the male sex rights which are withheld from the fairest portion of his creation? If they are *natural rights*, how do gentlemen arrive at the conclusion that they can only be exercised by males after they attain the age of twenty-one years? Why may they not exercise them at eighteen or twenty as well as at twenty-one. Has *nature* drawn this line to prescribe the time when this right commences?

If a majority of the people have a "*natural right*" at any time to assemble together and overthrow their government, and alter or amend their constitution, have they not an equal right to assemble together and alter or repeal any of the laws of the State? The Legislature which enacts the laws is but the representative of the people, and if the doctrine of Dorr and his followers is correct, a majority of the people within the limits of any State may, by resolutions at public meetings, repeal or change any existing law. The law declares that the killing of any human being, with *malice prepense*, shall be murder, and punishable with death. Have the majority of the people a right to assemble together and resolve that murder shall be no crime? May they, whether natives or aliens, black or white, by public

meetings, repeal or alter the laws regulating wills, descent, distribution, &c.? Have they a "*natural right*" to repeal all laws imposing penalties upon the vicious, and turn them loose to prey upon society? May they by resolutions at public meetings, change the organization of our courts, define their powers and duties, and prescribe the times and places of their meetings? If the opinions advocated by those who justify the Dorr rebellion are correct, the majority of the people may certainly do these things.

But again: If a majority of the people have a "*natural right*" to change their government, in their primary assemblies, to what portion of the people can this right be denied? If a majority of the people of Rhode Island enjoy this right, does it not equally belong to the people of any particular county? Suppose a majority of the people residing in the western part of Ohio and the eastern part of Indiana, occupying contiguous territory, should meet together in popular assemblies, and establish a new government, embracing parts of Ohio and Indiana. Would my colleague suppose that they were merely exercising a right which the "*God of nature*" gave them?—Can governments be thus made and unmade by majorities within any given limits? Have a majority of the people of the United States a "*natural right*" to determine by resolutions at public meetings, that the State governments shall all be abolished, and one consolidated government framed in their stead? The geographical lines which divide States and counties cannot be interposed to prevent the people from the exercise of those "*natural rights*" which the "*God of nature*" has given them. Suppose the people within these ten miles square, which compose the District of Columbia, should meet together and resolve that they would no longer be governed by Congress; but that, in the exercise of their "*natural rights*," they would form a new government. They would be but carrying out the Dorism of Rhode Island. They are now deprived of that right which my colleague calls a "*natural right*." They have no voice in the selection of those who govern them. We may exercise our powers of legislation over them in the most oppressive manner, and yet we are not responsible to them. But according to these new notions of "*Democracy*," they have an easy remedy. A majority of them have only to agree to a new form of government, and the constitutional power of Congress to control them is at an end.

The people of the District of Columbia certainly enjoy the same natural rights as the people of Rhode Island. Those "*natural rights*" which belong to us as individuals and which it is the duty of every government to protect, can be confined to no territorial limits, can be circumscribed by no geographical boundaries. If a majority of the people of any State may change the government in the manner attempted by the Dorrites, a majority of the people of the District of Columbia may certainly do the same thing. If it is a "*natural right*" belonging to the people of a State, it belongs equally to the people of a county, of a township, of a village.

The artificial lines which separate States and counties cannot interfere with the enjoyment of those "*natural rights*," and cannot limit their exercise by the people. Establish the principles of Dorr and his infatuated followers as correct, and the ligaments which bind us together become as feeble as ropes of sand. Every State in the Union may be subdivided into a hundred independent governments. The changes of government will be as frequent as those of the moon. It is in short but a substitution of anarchy for government—of lawless violence and faction, for law and order.

Who are the people? Have a few factious and discontented demagogues a right to meet together and resolve that they are the people, and that the rest of the community shall yield obedience to their commands? Have they a right to determine (as was done by the Dorrites of Rhode Island) not only the form of government which shall be adopted, but also the question whether they constitute a majority of the people? Have even a majority a "natural right" to govern the minority of the people without their consent? There is no despotism so galling and so oppressive, so utterly destructive of all rights, both natural and political, as the lawless despotism of faction.

Mr. Madison, who I believe has always been admitted to be a genuine Democrat, entertained the opinion, that even a majority of the people might constitute a faction. In the 10th No. of the Federalist he says, "by a *faction*, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens, or the permanent and aggregate interest of the community."

I ask you, Mr. Speaker, if principles so wild, so Jacobinical, so utterly destructive of all government, as those which are advocated by the Rhode Island insurrectionists, are encouraged, where will you find limits for their operation? The history of the French revolution furnishes us an instructive example of their fruits when practically acted upon. The same principles were advocated by Robespierre, by Danton, and by Marat, while their savage butcheries were deluging the country in blood. They claimed to be the guardians of the people's rights, and to act by the authority of the people, while the people were themselves, by thousands, falling victims to their ferocity. The expressions of public assemblies of lawless desperadoes, were declared to be the voice of the people. Every ruffian who had courage to perpetrate an outrage, to gratify either a spirit of vengeance, or an appetite for plunder, committed his atrocities in the name of the people.—The sewers of the city of Paris and all her dens of infamy and pollution poured out their crowds, who went in masses to the Legislative assembly, and in the name of the people, demanded the enactment of such laws as they desired. The "reign of terror" continued, until the land reeked with carnage and slaughter; and the people hailed with joy, the iron rule of a military despotism, under which they found a refuge from the enormities which had been practised in their own name.

Sir, I deny emphatically that any portion of the people have a "natural right" to govern any other portion against their consent. Constitutional and legal governments can only derive "their just powers from the consent of the governed." The "natural rights" which we possess are individual rights, belonging to each member of the community. In the organization of a government, the assent of the whole community is given to such form of government as the majority may agree upon; and when such government is formed it can only be altered by the majority, in the constitutional and legal manner provided for in the frame of government.

Any attempt on the part of any portion of the people, whether they constitute a majority or a minority, to overturn the established government, and impose a new one upon the community, by any other than the legal and constitutional means provided by the existing government, is but an attempt at revolution; and can only be justified in extreme cases, as the only means of relief from gross and unjust oppression, when all other means have failed.

As expressed by Washington ; " The basis of our political system is the right of the people to make and alter their constitutions of government ; but the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

I recognize and admit in its fullest sense, the right and authority of a majority of the people of the United States, or of any one of the States, to control the enactment of laws, and to change and modify their constitution or form of government, whenever they may desire to do so, in a legal and constitutional manner. The Constitution of the United States points out the means by which it may be amended. The constitutions of the several States contain similar provisions. These governments derive their just powers from the consent of the whole people. The provisions which regulate the mode of amendment are of equal validity with any other provision ; and it follows as a necessary consequence, that even a majority of the people have not the right to amend in any other manner than the one pointed out in the constitution.

It was certainly supposed when our constitution was framed, that the provision for its amendment would be binding upon the people, else why take the trouble to insert it. It remained for modern " Democrats" to make the important discovery, that the constitution is but an abstract declaration, which may at any time be disregarded or swept away by a mere expression of the will of a majority of the people, in their popular assemblies.

I would suggest, Mr. Speaker, to the gentleman from New Hampshire, (Mr. Burke,) who has chosen to present himself before the House as god-father to this precious bantling of the " *Democratic Members* " of the Legislature of Rhode Island, that if his object is to *democratize* the State governments, it would be better for him to commence his operations at home. The gentleman will find in the constitution of his own State, an ample field for the display of his genius, and abundant cause to elicit his benevolent efforts. Notwithstanding New Hampshire has manifested such a devotion to the principles of *modern democracy* as to entitle her to the appellation of the " *Gibraltar of Democracy*," she has a constitution containing, as I believe, more odious, aristocratic, and anti-republican features, than any State in the Union. In the Bill of Rights with which her constitution is prefaced, the right of conscience is asserted as follows : " Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason." We also find the following declaration in regard to the right of suffrage and the right to hold office : " All elections ought to be free, and every inhabitant of the State having the *proper qualifications*, has equal right to elect and be elected into office." Now I would ask the gentleman what are the " *proper qualifications*" for holding office, according to the principles of New Hampshire Democracy.

The 14th section of the constitution of that State reads as follows :

" Every member of the House of Representatives shall be chosen by ballot; and for two years at least, next preceding his election, shall have been an inhabitant of this State, *shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one-half of which to be a freehold.*"

It contains a further provision that the Representative shall be of the *Protestant religion.*

The 29th section of the constitution contains the following provision :

" *Provided, nevertheless, that no person shall be capable of being elected a Senator who is not of the Protestant religion, and seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this State.*"

In the 42nd section of the constitution is this provision :

" And no person shall be eligible to this office, (Governor,) unless, at the time of his election, he shall have been an inhabitant of this State for seven years next preceding, and unless he shall be of the age of thirty years; and unless he shall, at the same time, have an estate of the value of five hundred pounds, one-half of which shall consist of a freehold, in his own right, within this State; and unless he shall be of the Protestant religion."

What then, I would ask, are considered the "proper qualifications" for office in the "Democratic" State of New Hampshire? It seems, from their constitution, that one of the most important qualifications is wealth. According to their "Democracy," the poor should be excluded from office, and the rich alone should be allowed to enjoy its benefits. Not satisfied, either, with this odious property qualification, notwithstanding the flourish in their bill of rights, about the liberty of conscience, when carrying out their Democratic notions in their constitution, they exclude from office those who are not of the Protestant religion. This kind of "Democracy" may suit the people of New Hampshire, but, I assure you, sir, it would not suit the people whom I represent. It is a kind of Democracy which we do not desire. It does appear to me, Mr. Speaker, that the gentleman from New Hampshire had better blot this stain from the constitution of his own State, before he attempts to interfere with the institutions of other States.

It has become a frequent practice, in discussions upon different subjects in this House, to refer to the opinions and actions of prominent political men in relation to such subjects. I shall, upon this occasion, refer to the opinions and votes of Martin Van Buren upon the right of suffrage, about which so much has been said during this debate. He is the chosen champion of Democracy, under whose banner the faithful are about to rally in the political contest now about commencing, and it may not be amiss to examine his claims to the title of a "Democrat."

In 1821, a convention was held in the State of New York, for the purpose of amending the constitution of that State. Martin Van Buren was a member of that convention, and participated, throughout, in its deliberations. The question as to how far the right of suffrage should be extended, was one which occupied much attention, and elicited considerable debate. A portion of the convention desired that the right of suffrage should be extended to every white male citizen of the State, above the age of twenty-one years. This was warmly opposed by Mr. Van Buren, who contended for a restricted suffrage. It has been denied by Mr. Van Buren's friends, that he opposed "universal suffrage" in that convention, and I am happy on this occasion to have it in my power to present authentic evidence of his course, which will not be denied by his friends in this House. I will read some extracts from his speeches, which may be found in a report of the proceedings and debates of the convention, belonging to the Congressional Library, and which I have now before me; and I challenge contradiction from any gentleman upon this floor, of the correctness of the extracts which I shall read. On page 134 may be found the following:

" Mr. N. Sanford, from the committee appointed to consider the right of suffrage, and the qualifications of persons to be elected, reported: That the committee having considered the subjects referred to them, recommend the following amendments to the constitution, to wit:

" Every white male citizen of the age of twenty-one years, who shall have resided in the State six months next preceding any election, and shall, within one year next preceding the election, have paid any tax assessed upon him, or shall, within one year preceding the election, have been as-

sesed to work on a public road, and shall have performed the work assessed upon him, or shall have paid an equivalent, in money, therefor, according to law, or shall, within one year preceding the election, have been enrolled in the militia of this State, and shall have served therein according to law, shall be entitled to vote at such election, in the town or ward in which he shall reside, for Governor, Lieutenant Governor, Senators, members of the Assembly, and all other officers who are, or may be, elective by the people."

WEDNESDAY, SEPTEMBER 19.

"Mr. Sanford moved that the convention go into committee of the whole on his report relative to the right of suffrage, and Mr. N. Williams was called to the chair. See page 178.

"The question then arising upon the 1st section, as originally reported by the committee, Mr. Jay moved that the word *white* be stricken out.—Page 190.

"The question on stricking out the word *white*, was then taken by ayes and noes, and decided in the affirmative, as follows :" Ayes 63, Noes 59. Among the ayes is recorded the name of Mr. Van Buren. Page 202.

"Gen. Tallmadge moved to strike out 'or on the highways.'" Page 275.

THURSDAY, SEPTEMBER 27.

"Gen. Tallmadge withdrew his motion of yesterday to strike out the words 'on the highways,' and offered the following substitute: 'or shall for six months next, and immediately preceding the election, have rented a tenement therein, of the yearly value of five dollars, and shall have been rated and paid a highway tax, either by labor or commutation.'

The following is extracted from the debate on this motion :

"Gen. Tallmadge explained, at some length, his views in making the motion he had yestderay submitted, and the reasons which had induced him to withdraw it and offer the amendment which he had just presented to the committee. He took occasion to say that he was opposed to universal suffrage.

"Gen. Root said, the amendment of the gentleman from Dutchess was providing for the disfranchisement of a numerous class of citizens. The renting of tenements had become odious to the people, and led to many frauds. He enlarged upon the remarks of the gentleman from Niagara, (Mr. Russell,) who mentioned two instances in his town, where two revolutionary patriots and soldiers, one of whom fought with Montgomery under the walls of Quebec, and the other under Wayne at Stoney Point, would be disfranchised if this provision was stricken out.

"Mr. Van Buren felt himself called on to make a few remarks in reply to the gentleman from Delaware. He observed that it was evident, and indeed some gentlemen did not seem disposed to disguise it, that the amendment proposed by the honorable gentleman from Delaware, contemplated nothing short of universal suffrage. Mr. V. B. did not believe that there were twenty members of that committee who, were the bare naked question of universal suffrage put to them, would vote in its favor, and he was very sure that its adoption was not expected, and would not meet the views of their constituents.

"Mr. Van Buren then replied to a statement made yesterday by his honorable and venerable friend from Erie, (Mr. Russell,) in relation to the exclusion of soldiers who had fought at Quebec and Stoney Point, under the banners of Montgomery and Wayne. And he felt the necessity of doing this because such cases, urged by such gentlemen as his honorable

friend, were calculated to make a deep and lasting impression. But, although a regard for them did honor to that gentleman, yet it was the duty of the convention to guard against the admission of those impressions which sympathy, in individual cases, may excite. It was always dangerous to legislate upon the impulses of individual cases, where the law about to be enacted is to have a general operation. With reference to the case of our soldiers, the people of this State, and country, had certainly redeemed themselves from the imputation that republics are ungrateful. With an honorable liberality, they had bestowed the military lands upon them; and to gladden the evening of their days, had provided them with pensions. Few of those patriots were now living, and, of that few, that number was yearly diminishing. In fifteen years the grave will have covered all those who now survive. Was it not then unwise to hazard a wholesome restrictive provision, lest in its operation it might affect these few individuals for a very short time? He would add no more. His duty would not permit him to say less."

"One word on the main question before the committee. We had already reached the verge of universal suffrage. There was but one step beyond. And are gentlemen prepared to take that step? We were cheapening this invaluable right. He was disposed to go as far as any man in the extension of rational liberty, but he could not consent to undervalue this precious privilege so far as to confer it with an undiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it." Page 277.

Again: Mr. Van Buren in speaking on this subject, said:

"The qualifications reported by the first committee were of three kinds, viz: the payment of a money tax, the performing of military duty, and working on the highway. The two former had met with his decided approbation, to the latter he wished to add the additional qualification, that the elector should, if he paid no tax, performed no militia duty, but offered his vote on the sole ground that he had labored on the highway, also be a *householder*; and that was the only point in which he had dissented from the report of the committee. To effect this object, he supported a motion made by a gentlemen from Dutchess to strike out the highway qualification, with a view of adding *householder*."

"Mr. Van Buren said he had, on the motion of the gentleman from Columbia, this day hinted at the numerous objections which he had to the proposition, which the other day passed the convention, in regard to the right of suffrage, objections which he intended to make, had the committee reported in favor of that vote; and by which, when fully urged, he knew that he would be able to convince every member of the committee of the dangerous and alarming tendency of that precipitate and unexpected proscription of all qualifications. At this moment he would say that among the many evils which would flow from a wholly unrestricted suffrage, the following would be the most injurious, viz:

"First. It would give to the city of New York about twenty-five thousand votes; while, under the liberal extension of the right, on the choice of delegates to this convention, she had but about thirteen or fourteen thousand. That the character of the increased number of voters would be such as would render their elections rather a curse than a blessing: which would drive from the polls all sober minded people: and such, he was happy to find, was the united opinion, or nearly so, of the delegation from that city." Page 367.

"Mr. Platt moved to expunge the proviso in the first section, which declares that no person, *other than a white man*, shall vote, unless he have a freehold estate of the value of \$250." Page 374.

"Mr. Van Buren said he had voted against a total and unqualified exclusion, for he would not draw a revenue from them (the negroes,) and yet deny to them the right of suffrage. But this proviso met his approbation. They were exempted from taxation until they had qualified themselves to vote.—Page 376.

"Judge Van Ness moved a substitute for the proviso, which, after some modification, was passed, as follows:

"Provided that no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election, been seized and possessed of a freehold estate of the value of \$250, over and above all debts and incumbrances charged thereon, shall be entitled to vote in the election of any officer of the government; and provided, further, that no man of color shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid."

"The question was then taken on the whole section, including the proviso, and carried in the affirmative as follows:" Ayes 72. Noes 32. The name of Mr. Van Buren is recorded among the ayes. Page 557.

Mr. Van Buren, in speaking of the appointment of Justices of the Peace, said:

"It was not to be disguised that that part of the report before the committee, relating to the appointment of justices of the peace, was by far the most important feature in the report—if that was settled, the remaining part would be got along with very easily. Some had thought that these magistrates ought to be elected, but he had at all times been opposed to their election."

"He did not believe it would be benefitting the people to extinguish one great fire, and enkindle fifty-two smaller ones. The farther this power could be removed from the people the better. He could not, therefore, consent to the proposition of the gentleman from Oneida, (Mr. Platt.)" Pages 321 and 322.

From these extracts it appears that the committee to whom was referred the subject of suffrage, reported a provision extending the right of suffrage to every white male citizen, of the age of twenty-one years, after a residence in the State of six months, who should have paid a tax, or should have performed work on the highways, or who should have served in the militia. Mr. Van Buren then voted to strike from this provision the word "*white*," the effect of which was, to extend the right of suffrage to the colored population, possessing the qualifications above enumerated, as well as to the white population.

Again: we find Mr. Van Buren advocating the proposition to strike out the highway qualification reported by the committee, and insert in lieu of it the household qualification and contending that if a citizen had not paid a tax, or had not performed service in the militia, he should not be entitled to vote, upon the ground that he had labored on the highways, but unless he was a "householder" he should be driven from the polls. And when told by Gen. Root that this provision would exclude from the right of voting many of the old soldiers, who had fought for their country at Quebec and Stoney Point, under Montgomery and Wayne; he replied that, true, this provision might deprive these old soldiers of this inestimable privilege, but still they had no right to complain. The country had given them bounty lands and granted

them pensions; in fifteen years they would all be in the grave, and it was unwise to hazard a wholesome restrictive provision, lest in its operation it might affect these old soldiers. He contended, also, that if the right of suffrage was extended, "the character of the increased number of voters, would be such as would render their elections rather a curse than a blessing."

We find him, also, zealously contending that negroes, possessed of a freehold estate worth \$250, should be allowed to vote, and which provision was adopted. Then, according to Mr. Van Buren's ideas of Democracy, the patriotic soldiers of the Revolution, whose valor had been displayed upon many a hard fought field, to achieve the liberty which we now enjoy, but who, in the evening of their days, were pressed down by the iron hand of poverty, who had no property to be taxed, and no money with which to pay taxes—who were too old and decrepid to perform militia duty, and who had no house to shelter them from the winter's blast, should, on account of their poverty, be denied the exercise of the dearest right of freemen, the right of selecting those who were to govern them. But the pampered negro, who was fortunate enough to possess an estate of the value of \$250, should be allowed to thrust the old soldier from the polls, and proudly demand that his vote should be received. Well might the survivors of our Revolutionary struggle indignantly demand: Was it for this that we have wasted our strength and shattered our constitutions in toilsome marches and bloody battles, by exposure to winter's cold and summer's heat! Is this the liberty for which we fought, and for which we staked our lives—a liberty which, while it is enjoyed by almost every other portion of the community, and even by many of the black population, is denied to us on account of our poverty?

And yet, Mr. Speaker, my honorable colleague, (Mr. Kennedy,) notwithstanding his ardent sympathies for the "*persecuted patriots*" of Rhode Island, notwithstanding his excessive zeal in support of the "*natural rights*" of the people, knows no man so worthy of his admiration, so well entitled to his support, as this same Martin Van Buren. The "*untarried Democracy*" are about marshalling themselves again under his banner to engage in a contest for the Presidency.

[Here Mr. Kennedy, of Indiana interposed, and asked Mr. Smith if he had not advocated the same sentiments.]

Never, never, (said Mr. S.,) they are sentiments which I detest. I have always advocated the principle, in regard to the right of suffrage, which is engrailed upon the constitution of the State which I have the honor, in part, to represent, that the ballot box should be open to every white male citizen of the age of twenty-one years, who has identified himself with our people, by a residence of one year in the State.

Twice has Martin Van Buren been presented to the people of Indiana as a candidate for the Presidency, and twice ^{o note} they rejected him; and nothing has contributed more to his rejection, than the odious anti-republican principles which he has advocated in regard to the right of suffrage. Let his friends present him a third time, and his rejection by the people of Indiana will be as signal and decisive as it was in '36 and '40.

The extracts which I have presented show that Mr. Van Buren not only opposed the extension of the right of suffrage to proper and rational limits, but he also opposed the proposition to extend to the people the right to elect justices of the peace, contending, "the further this power could be removed from the people the better."

Shakspeare said, "a rose by any other name would smell as sweet." Had he lived till this day, and in this country, I think he would have changed his opinion. Under the specious and imposing name of "*Democracy*," we have seen principles and measures, destructive of every thing like democracy, openly advocated. Men who have ever, by their acts, manifested an utter disregard of the rights of the people, have, by assuming the name of "*Democrats*," suddenly been transformed into champions of popular rights. The democracy of the present day, of the stamp assumed by the authors of the memorial now before the House, is made to serve as a covering for principles of every hue and color. It is as different from any democracy which has ever before been known, as monarchy is from republicanism. It serves alike to cover the law-destroying principles of the insurrectionists of Rhode Island, and the ultra, high-handed abuse of Executive authority, which has been so frequently witnessed under "*Democratic*" rule.

The gentleman from New York, (Mr. Rathbun,) unless rumor does him injustice, has not always advocated the same principles which he now advocates. If rumor be correct, that gentleman, until quite a late period, has acted with the party to which I belong, and given his sanction to the principles which they sustain. If he has seen proper to change his principles, it is a matter of which I have no right to complain. The right to change his opinions, as often as he may deem proper, is certainly a "*natural right*," and I shall not attempt to interfere with its exercise.

The Rhode Island insurrection is not the only instance in which this modern "*Democracy*" has shown itself to possess but little regard for either constitution or law, when it has stood in the way of the attainment of any particular object. If the principles of the Dorr rebellion are to be engrafted upon the democratic creed, it is well that the country should know it. The peace and security of the country require that we should know who is to be relied upon in times of peril and danger. Attempts of a similar character may be made in other States, and if they are to receive the sanction and support of a powerful political party, it is time that fact were known.

The investigation which has been proposed, can lead to no beneficial result. It is fraught with danger to the public interest in every light in which it can be viewed. It will involve, on the part of this House, an officious intermeddling with matters with which it can, legitimately, have no concern. It will involve a useless expenditure of public money, and an unnecessary consumption of our time. Dorr and his mad followers have had their day. They are in the hands of the State authorities—there let them rest.

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